

Code (“IPC”, for short). Respondent Nos.2 and 3 were impleaded as an accused. They were tried before the Special Court for The Protection of Children from Sexual Offences (“POCSO Ac”, for short), *vide* judgment and order dated 11th April, 2019, respondent nos.2 and 3 were convicted for the offence punishable under Section 323 of IPC, and, sentenced to suffer imprisonment of six months. They were also convicted for the offence punishable under Section 354 of IPC and sentenced to suffer imprisonment of one year. They were further convicted for the offence punishable under Section 506 of IPC, and, sentenced to suffer imprisonment of six months.

2 The judgment and order dated 11th April, 2019, is challenged by respondent nos.2 and 3 by preferring criminal Appeal No.768 of 2019, before this Court. The Appeal was admitted on 10th June, 2019. The sentence of imprisonment was suspended by order dated 10th June, 2019, and they were granted bail by this Court on certain conditions. One of the conditions imposed while suspending the sentence is that the respondent nos.2 and 3 shall not enter into the jurisdiction of Mulund Police Station for a period of six months.

3 The applicant/complainant has preferred this application for cancellation of bail granted to the above respondents by order dated 10th June, 2019.

4 Learned advocate for the applicant submitted that respondent nos.2 and 3 have committed breach of the condition imposed in the order dated 10th June, 2019, passed by this Court. The respondents have threatened the complainant. They have entered into the jurisdiction of Mulund police station. The complaint was lodged at the police station which has been registered as NC complaint on 8th July, 2019. There is threat to the complainant and her family from the accused. After the respondents are released on bail, they have approached the applicant and used abusive language. They are harassing the applicant with the aid of their friends. The applicant has relied upon the complaints lodged with the police station. The NC complaints dated 8th July, 2019, 15th March, 2019, 20th April, 2019, 6th August, 2019, 13th August, 2019, 1st December, 2020, 14th January, 2020 and 25th November, 2021, are annexed to this application.

5 Respondent nos.2 and 3 have filed affidavit in reply dated 4th April, 2022. Learned advocate for respondent nos.2 and 3 submitted that the complaints are false. In most of the complaints, the respondent nos.2 and 3 are not concerned with the grievance of the complainant. Respondent nos.2 and 3 have not committed breach of conditions imposed while suspending the sentence of imprisonment. The allegations in the complaints are false. Respondents have not entered the jurisdiction of Mulund police station or harassed the

complaint in any manner. The applicant is in habit of lodging false complaints. Out of 7 NC complaints lodged by the applicant, the NC dated 8th July, 2019 is not against respondents. The NC complaint dated March 2019 is false. It was lodged prior to the orders suspending the sentence of imprisonment. The third NC complaint is dated 20th April, 2019. It was no against the respondent nos.2 and 3. The NC complaint dated 6th August, 2019, was lodged by applicant against respondent no.2 and his family members. The respondents were not present at Mulund police station. The NC Complaint dated 6th August, 2019, was lodged by sister of respondent no.2 and 3 on the same day. During the trial the applicant had preferred application for cancellation of bail relying upon the false NC complaints. The said application was rejected by the Special Court by order dated 22nd August, 2014. The respondents have complied the conditions imposed by this Court and never entered the jurisdiction of Mulund police station. They have not harassed the applicant. Respondent nos.2 and 3 are residing within the jurisdiction of Mulund police station. They are residing at Dombivli on leave and licence basis, which are evident from the leave and licence agreement annexed to the reply since 2019. Respondent nos.2 and 3 are residing at Dombivli. Respondent no.2 is suffering from pancreatic reactions since February 2022. He has been advised rest. The question of entering in the life of complainant or

harassing the complainant does not arise. Learned APP submitted the list of NC complaints lodged by the applicant/complainant. The list refers to NC complaint dated 15th March, 2019, 20th April, 2019, 8th July, 2019, 6th August, 2019, 13th August, 2019, 1st February, 2020, 14th January, 2021 and 25th November, 2021.

6 Respondent nos.2 and 3 are convicted for the aforesaid offences. The sentence of imprisonment has been suspended by this Court by order dated 10th June, 2019. They were directed to attend the trial Court once in six months. They were also directed not to enter the jurisdiction of Mulund police station for a period of six months from the date of order. The said restrictions imposed upon respondent nos.2 and 3 has come to an end after the period of six months. The NC complaint dated 8th July, 2019, which is at page 83 of the paper book. The said NC complaint is not against respondent nos.2 and 3. It was registered for the offence under Section 504 of IPC. The NC complaint dated 15th March, 2019, was lodged against respondent no.3 for offences punishable under Sections 504 and 506 of IPC. It was lodged prior to the order passed by this Court suspending the sentence of imprisonment. The NC complaint dated 20th April, 2019, is not against the respondent nos.2 and 3. Written complainants were lodged on 27th June, 2019. The police did not take cognizance of the said case. Another written complaint dated 27th January, 2021, was forwarded

to Mulund police station. No action has been initiated on the said complaint. NC complaint dated 6th August, 2019, was against respondent no.2 and his relations for offences punishable under Sections 504 and 506 of IPC. NC complaint dated 13th August, 2019, was lodged against respondent no.2. NC complaints dated 1st December, 2020, 14th January, 2021 and 25th November, 2021 are not against respondent nos.2 and 3. Apparently, no FIR has been registered against the said complaints. There is no cogent material to establish that respondent nos.2 and 3 have committed breach of conditions imposed *vide* order dated 10th June, 2019. The conditions imposed was not to enter the jurisdiction of Mulund police station imposed for a period of six months, which was over in the year 2019.

7 I do not find any ground to cancel the bail granted to respondent nos.2 and 3 by this Court *vide* order dated 10th June, 2019. The application is devoid of merits.

8 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.1345 of 2019, is rejected, and, stands disposed of.

(PRAKASH D. NAIK, J.)